

**Assembly Bill No. 215**

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Passed the Assembly     September 14, 2001

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*Chief Clerk of the Assembly*

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Passed the Senate     September 12, 2001

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2001, at \_\_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to amend Section 22828 of, and to add Section 22821.2 to, the Government Code, relating to public employee health benefits, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

AB 215, Cohn. Health care benefits: survivors of firefighters and peace officers.

Under the Public Employees' Medical and Hospital Care Act specified employees and annuitants and their eligible family members, as defined, may enroll in an approved health benefits plan and continue that enrollment after retirement or after the death of the employee, as specified. Under that act, an appropriation is made monthly from the General Fund to pay the state's share, as specified, of the cost of that enrollment for specified employees and all annuitants.

This bill would provide that, upon the death of specified firefighters and peace officers from injury or disease relating to their official duties, their uninsured surviving spouses, as defined, and uninsured family members shall be entitled to enroll in those health benefits plans, as specified, and a portion, as established annually according to a specified formula, of the cost of that enrollment shall be paid by the state from the General Fund, thus making an appropriation. The bill would require the Worker's Compensation Appeals Board to resolve any disputes regarding whether the cause of the firefighter's or peace officer's death was related to his or her official duties, as specified. The bill would require the employer of a deceased firefighter or peace officer, as described above, whose spouse or family member may be eligible for health benefits under its provisions, to notify the Board of Administration of the Public Employees' Retirement System, which would then be required to promptly determine eligibility and forward specified materials to the eligible spouse or family member.

Appropriation: yes.



*The people of the State of California do enact as follows:*

SECTION 1. Section 22821.2 is added to the Government Code, to read:

22821.2. (a) Upon the death, on or after January 1, 2002, of (1) a firefighter employed by a county, city, city and county, district, or other political subdivision of the state, (2) a firefighter employed by the Department of Forestry and Fire Protection, or (3) a peace officer as defined in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, 830.38, 830.39, 830.4, 830.5, 830.55, or 830.6 of the Penal Code, if the death occurred as a result of injury or disease arising out of and in the course of his or her official duties, the surviving spouse and other eligible family members of the deceased firefighter or peace officer, if uninsured, shall be deemed to be annuitants under subdivision (e) of Section 22754 for purposes of enrollment pursuant to Section 22810. All eligible family members of the deceased firefighter or peace officer who are uninsured may enroll in an approved health benefits plan of the surviving spouse's choice; however, an unmarried child of the surviving spouse shall not be eligible to enroll in a health benefits plan under this section if the child was not a family member under subdivision (f) of Section 22754 and regulations pertinent thereto on the firefighter's or peace officer's date of death. The employer of the deceased firefighter or peace officer shall notify the board within 10 days of the death of the employee whose spouse or family member may be eligible for enrollment in a health benefits plan under this section. Upon notification, the board shall promptly determine eligibility, and shall forward to the eligible spouse or family member the materials necessary for enrollment.

(b) (1) Notwithstanding any other provision of law, but except as otherwise provided in subdivision (c), the state shall pay a contribution equal to 100 percent of the amount established in paragraph (2) for health benefits coverage under this part for (A) the uninsured surviving spouse of a deceased firefighter or peace officer for life, and (B) the other uninsured eligible family members of a deceased firefighter or peace officer so long as the family member meets the eligibility requirements of subdivision (f) of Section 22754 and regulations pertinent thereto.



(2) The contribution payable by the state for each uninsured surviving spouse and other uninsured eligible family members shall be calculated and adjusted annually pursuant to this paragraph. Annual adjustments of the dollar amounts shall be based upon the principle that the state's contribution for each uninsured surviving spouse shall be an amount equal to 100 percent of the weighted average of the health benefits plan premiums for employees or annuitants enrolled for self alone plus 90 percent of the weighted average of the additional premiums required for enrollment of family members in the four health benefits plans that have the largest number of basic enrollments during the fiscal year to which the formula applied.

(3) The state's contribution under this section shall commence on the effective date of enrollment of the uninsured surviving spouse or other uninsured eligible family members. The contribution of each surviving spouse and eligible family member shall be the total cost per month of the benefit coverage afforded him or her under the plan or plans less the portion contributed by the state pursuant to this section.

(c) The cancellation of coverage by an annuitant, as defined in this section, shall be final without option to reenroll, unless coverage is canceled because of enrollment in an insurance plan from another source.

(d) In the event of a dispute regarding whether a firefighter's or peace officer's death occurred as a result of injury or disease arising out of and in the course of his or her official duties as required under subdivision (a), that dispute shall be determined by the Workers' Compensation Appeals Board, subject to the same procedures and standards applicable to hearings relating to claims for workers' compensation benefits. The jurisdiction of the Workers' Compensation Appeals Board under this section shall be limited to the sole issue of industrial causation and this section shall not be construed to authorize the Workers' Compensation Appeals Board to award costs against the system.

(e) For purposes of this section, "surviving spouse" means a husband or wife who was married to the deceased firefighter or peace officer on the deceased's date of death and for a continuous period of at least one year prior to the date of death.

(f) For purposes of this section, "uninsured" means that the surviving spouse is not enrolled in an employer-sponsored health



plan under which the employer contribution covers 100 percent of the cost of health care premiums.

(g) The board shall have no duty to identify, locate, or notify any surviving spouse or eligible family member who may be or may become eligible for benefits under this part due to the enactment of this section.

SEC. 2. Section 22828 of the Government Code is amended to read:

22828. From the General Fund in the State Treasury, there is appropriated monthly the state's contributions under Sections 22821.2, 22825, 22825.1, and 22826 for:

(a) All employees whose compensation is paid from the General Fund.

(b) All employees whose compensation is paid from funds of, or funds appropriated to, the university.

(c) All employees who are employed by the Department of Education or the Department of Rehabilitation and whose compensation is paid from the Vocational Education Federal Fund, the Vocational Rehabilitation Federal Fund, or any other fund received, in whole or in part, as a donation to the state under restrictions preventing its use for those contributions.

(d) All employees whose compensation is paid from the Senate Contingent Fund or Assembly Contingent Fund or the Contingent Funds of the Assembly and Senate.

(e) All annuitants.

Approved \_\_\_\_\_, 2001

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*Governor*

